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Attorneys for Defendants,
COUNTY OF LOS ANGELES and SERGEANT TRAVIS KELLY
(Defendants is exempt from filing fees pursuant to Government Code § 6103)

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JOSHUA ASSIFF,

Plaintiffs,

v.

COUNTY OF LOS ANGELES;
SHERIFF DEPUTY BADGE
NUMBER 404532; And DOES 1
through 10,

Defendants.

Case No.: 2:22-cv-05367 RGK(MAAx)

**DECLARATION TO MOLSHREE
GUPTA IN SUPPORT OF
DEFENDANTS' OPPOSITION TO
PLAINTIFF'S EX PARTE
APPLICATION TO CONTINUE
HEARING ON MOTION FOR PARTIAL
SUMMARY JUDGMENT**

Action Filed: August 3, 2022

Pretrial Conference: July 10, 2023

Trial Date: July 25, 2023

Assigned to:

Hon. R. Gary Klausner, District Judge
Courtroom 850

All Discovery Matters Referred to:

Hon. Maria A. Audero, District Judge

DECLARATION OF MOLSHREE GUPTA

I, MOLSHREE, ESQ., declare and state as follows:

1. I am an attorney at law duly licensed to practice as such before all the courts of the State of California and am a partner in the law offices of Kjar, McKenna & Stockalper, LLP, attorneys of record for moving parties, COUNTY OF LOS ANGELES and SERGEANT TRAVIS KELLY in the action entitled *Assiff v. County of Los Angeles, et al*, Case Number 2:22-cv-05367 RGK(MAAX).

2. I have personal knowledge of the matters set forth herein, and if called to testify, I could and would competently testify to the facts set forth in this Declaration based upon my personal knowledge.

3. Plaintiff filed this action on August 2, 2023.

4. On November 7, 2022, this Court set a Jury Trial to proceed on July 25, 2023, at 9:00 a.m., and a Pretrial Conference for July 10, 2023, at 9:00 a.m. (*See Docket #23, Minute Order re Pre-Trial and Trial Dates.*) On the same date, the Court set a motion cut-off date of May 10, 2023, and a discovery cut-off date of April 26, 2023. (*See Docket #23.*)

5. On March 31, 2023, without first inquiring as to the parties' availability, Plaintiff served notices for the depositions of Defendants Kelly and the County's person most knowledgeable for April 25 and 26, 2023, respectively. Plaintiff had previously noticed these depositions or requested the availability of these parties for a deposition; these depositions were set unilaterally.

6. On April 5, 2023, the parties filed a Joint Stipulation to extend pre-trial deadlines, and a proposed order. (*See Docket #41.*) On April 7, 2023, this Court entered an order to extend pre-trial deadlines as follows: 1) the Discovery cut-off is continued to May 10, 2023; the expert disclosure deadline is continued to May 10, 2023; the Motion cut-off is continued to May 24, 2023; the ADR completion deadline is continued to June 9, 2023. (*See Docket #42.*)

/ / /

1 7. On April 17, 2023, Defendants served objections to Plaintiff's notices for
2 the depositions of Defendants Kelly and the County's person most knowledgeable.
3 Attached hereto as **Exhibit A** are true and correct copies of Defendants' objections to
4 Plaintiff's notices for the depositions of Defendants Kelly and the County's person most
5 knowledgeable.

6 8. Moreover, Defendants have offered Plaintiff various dates for the
7 depositions of Defendant County's person(s) most knowledgeable as to 8 of the 9
8 enumerated categories, and maintained its timely objection to the final (9th) category
9 enumerated by Plaintiff. Attached as hereto as **Exhibit B** are true and correct copies of
10 my various emails providing witness availability to Plaintiff's counsel and requesting
11 confirmation of these depositions. The witnesses have been prepared to proceed, but
12 Plaintiff's counsel has declined to proceed with the depositions.

13 9. On May 18, 2023, Plaintiff's counsel wrote to Defendants' counsel to
14 communicate the intent not to proceed with the depositions of Defendant County's
15 persons most knowledgeable unless each of the various witnesses are all made available
16 on the same date. Moreover, Plaintiff's counsel hinted that he did not want to proceed
17 with these depositions until after the scheduled Mediation on June 2, 2023. Attached as
18 hereto as **Exhibit C** is a true and correct copy of Plaintiff's counsel's May 18, 2023
19 email.

20
21 I declare under penalty of perjury under the laws of the State of California that the
22 foregoing is true and correct.

23 Executed on June 1, 2023, at El Segundo, California.

24
25 /s/Molshree Gupta
26 MOLSHREE GUPTA
27
28

CERTIFICATE OF SERVICE

I am employed in the County of Los Angeles, State of California; I am over the age of eighteen years and not a party to the within action; my business address is 841 Apollo Street, Suite 100, El Segundo, California 90245.

On June 1, 2023, I served the foregoing document described as **DECLARATION TO MOLSHREE GUPTA IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFF'S EX PARTE APPLICATION TO CONTINUE HEARING ON MOTION FOR PARTIAL SUMMARY JUDGMENT** on all interested parties in this action by placing a true copy thereof in a sealed envelope addressed as follows:

SEE ATTACHED SERVICE LIST

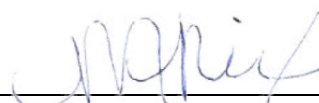
By Mail I caused such envelope(s) to be deposited in the mail at El Segundo, California. The envelope was mailed with postage thereon fully prepaid and addressed to the parties listed on the Service List. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

XX By Email Based upon a court order or an agreement of the parties to accept electronic service, I caused the documents to be sent to the persons at the electronic service addresses listed in the Service List. My email address is mnixon@kmslegal.com.

By Personal Service I caused such document to be Personally Served on the parties listed in the Service List.

XX State I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 1, 2023, at El Segundo, California.



Maria Nixon

SERVICE LIST

Assiff, Joshua vs. County of Los Angeles, et al.

Central District- Case No.: 2:22-cv-05367 RGK(MAAX)

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